

ORIGINAL

DEF  
CIM

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
BANK OF THE WEST, as assignee of  
GANIS CORPORATION,

Plaintiff,

-against-

M/V NEVER SAY NEVER, her engines,  
tackle, apparel, appurtenances, etc.,  
having Official No. 587514 and Hull Serial  
No. 47304m77, *in rem*; and SANTO  
SILLARO, *in personam*,

Defendants.  
-----x

**MEMORANDUM AND ORDER**

Case No. 05-CV-6004 (FB) (SMG)

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 8 2009 ★

BROOKLYN OFFICE

*Appearances*

*For the Plaintiff:*

STEVEN C. TAITZ, ESQ.  
Roe Wallace Esteve Taroff & Taitz LLP  
Post Office Box  
Patchogue, NY 11772

*For the Defendants:*

JACK A. GREENBAUM, ESQ.  
Blank Rome LLP  
405 Lexington Avenue  
New York, NY 10174

**BLOCK, Senior District Judge:**

On September 11, 2008, the Court entered judgment in favor of plaintiff, Bank of the West ("the Bank"), and against defendants, M/V Never Say Never ("the Vessel") and Santo Sillaro ("Sillaro"), in the amount of \$103,010.22. The Bank now moves for entry of a deficiency judgment reflecting the amount for which Sillaro is liable *in personam* in light of the sale of the Vessel and the accrual of costs since entry of the September 11th judgment. Sillaro has not opposed the motion.

The Bank's motion is granted. The Clerk is directed to enter judgment in favor of the Bank and against Sillaro in the total amount of \$111,519.41, consisting of the original

judgment amount of \$103,010.22, plus \$9,009.19 in net costs accrued since September 11, 2008, less \$500.00 for the sale price of the Vessel. The amended judgment shall supersede the original judgment in all respects.

**SO ORDERED.**

s/Frederic Block

FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
October 6, 2009